

RECEIVED
CENTRAL FAX CENTER
AUG 28 2006

- 6 -

DALEY *et al.*
Appl. No. 10/716,619

Remarks

Applicants respectfully request that the present remarks be entered and made of record in the instant application.

The Claims

Upon entry of the foregoing amendment, claims 55, 61 and 76-97 are pending in the application, with claims 55, 76 and 87 being the independent claims. Claims 56-60 and 62-75 are sought to be canceled. Claim 61 is sought to be amended. Claims 76-97 are sought to be added. No new matter is added by way of these amendments. It is respectfully requested that the amendments be entered and considered.

The new claims are supported throughout the specification including the originally filed claims, thus no new matter has been added by way of amendment. Support for new claims 76 and 87 can be found, *inter alia*, throughout the specification (*e.g.*, page 10, lines 26-30; page 23, lines 17-24; and original claim 53). Support for new claims 77-83 and 88-94 can be found, *inter alia*, throughout the specification (*e.g.*, page 6, line 23 to page 7, line 17; page 8, line 8 to page 9, line 29; page 18, lines 7-17; page 21, line 24 to page 22, line 24; page 32, lines 1-14; Table 3; original claims 2-9, 14, 16 and 27-41; the Examples; and Figures 12-13). Support for new claims 84-85 and 95-96 can be found, *inter alia*, throughout the specification (*e.g.*, page 34, lines 14-24; page 39, lines 6-8; page 43, line 13). Support for new claims 86 and 97 can be found, *inter alia*, throughout the specification (*e.g.*, page 14, lines 16-20; page 31, lines 16-18; original claim 1; and the Examples).

Restriction

- 7 -

DALEY *et al.*
Appl. No. 10/716,619

In reply to the Office Action dated June 28, 2006, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the subject matter of Group II (represented by original claims 59-60, 62-63, 69-73¹ and new claims 76-90). This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. This election is made with traverse.

"If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions." (Manual of Patent Examining Procedure (MPEP) § 803 (eighth edition, revision 4, October 2005.)

Applicants believe that a search of the subject matter of the claims of Group II (relating to methods of expanding CD34⁺ hematopoietic cells in culture) would be substantially coextensive with a search of the subject matter of Group I (represented by claim 55) and/or Group III (represented by claim 61) because the subject matter of Groups I, II and III all relate, *inter alia*, to CD34⁺ hematopoietic cells and the expansion of CD34⁺ hematopoietic cells. A search for references describing the claimed media will also return references related to methods of using the media and vice versa. Thus, Applicants respectfully submit that searching and examining the subject matter of the claims of Groups I, II, and III would not impose a serious burden on the Examiner. Accordingly, Applicants respectfully request that the restriction requirement be reconsidered and withdrawn.

¹ The Examiner has listed claim 70 in both Groups II and III.

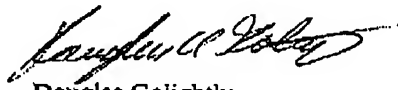
- 8 -

DALEY *et al.*
Appl. No. 10/716,619***Conclusion***

If any issues remain in connection herewith or a telephone interview would be of assistance in advancing prosecution of the application, the Examiner is respectfully invited to telephone the undersigned to discuss.

Consideration and allowance of all pending claims are respectfully requested.

Respectfully submitted,



Douglas Golightly
Patent Agent
Invitrogen Corporation
Registration. No. 51,244
Phone: 240-379-4686

Date: August 28, 2006